

Appl. No. 09/752,490  
Response dated September 15, 2005  
Reply to Office action of July 15, 2005

### Remarks

#### 35 U.S.C. § 112 (Written Description)

Claims 8-10 and 36-38 presently stand rejected under 35 U.S.C. § 112, ¶ 1, as failing to comply with the written description requirement. The applicant has been asked to show that the subject matter of claims 8-10 and 36-38 is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. *See Manual of Patent Examining Procedure (MPEP)*, § 2163.02, page 2100-177 (8th ed., Rev. 2, 2004).

Applicants respectfully traverse the Examiner's rejection. The specification as originally filed explicitly teaches that a single inquiry can include requests for more than one block of securities, i.e., a plurality of inquiry blocks can be grouped together; and that no two blocks of securities for the single inquiry may have the same associated issuer, i.e., each inquiry block is being limited to being matched with securities with an issuer name that is unique with respect to issuer names of potential purchases matched with other inquiry blocks from the plurality of inquiry blocks grouped together. *See, e.g.*, page 7, lines 24-26 ("All entries in the Fig. 4 pop-up represent information regarding a single inquiry, for which no two blocks of securities may (typically) have the same associated issuer."); page 7, lines 28-29 ("Referring to Fig. 4, in the fields 131, the quantity of blocks of securities desired is entered for each inquiry line."). Therefore, the written description of the present invention as originally filed shows that the inventors, at the time the application was filed, had possession of the invention of claims 8 and 36. *See MPEP*, § 2163.02, page 2100-178 ("The subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement.").

In order to expedite the examination of the present application, however, Applicants have

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amended claims 8 and 36 to conform to the specific language found in page 7, lines 24-26, of the specification as originally filed. Claims 9-10 and 37-38 have also been amended accordingly. These amendments were not made for the purpose of changing the scope of these claims but to present them in better form for consideration. And therefore, these amendments after final should be entered under 37 C.F.R. § 1.116.

### 35 U.S.C. § 102 (Novelty)

Claims 1-56 presently stand rejected under 35 U.S.C. 102(e) as being unpatentable over U.S. Pat. No. 6,513,019 ("Lewis").

Claim 1 defines a method to manage security inquiries by means of a computer, which reads,

A method of organizing security inquiries and potential security purchases utilizing a computer with a display comprising:  
entering by a user into the computer inquiry information describing securities desired for purchase;  
entering into the computer potential purchase information describing available securities;  
entering into the computer a plurality of algorithms for matching the inquiry information with the purchase information;  
selecting by the user one of the algorithms;  
matching by means of the user selected one algorithm the inquiry information with the purchase information; and  
reporting to the user the results of the matching by means of the computer.

Claim 1 recites that that the user selects one algorithm from a plurality of algorithms entered into the computer for matching the inquiry information describing securities desired for purchase with the purchase information describing available securities. Then, the user selected one algorithm will match the inquiry information with the purchase information.

Lewis does not teach these steps. First, Lewis does not have the step of matching the inquiry information describing securities desired for purchase with the purchase information describing available securities. Secondly, Lewis does not provide a plurality of matching

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algorithms for the user to select and then matching the inquiry information with the purchase information by means of the user selected one algorithm.

The following Examiner statement does not refute this lack of anticipation:

In the example given by Lewis, in particular "rule 3", Lewis discloses "The inventive system includes a collection of select financial algorithms for performing numerous such financial calculations (e.g., gain loss, amortization, accretion, accrued interest, and the like) in multiple currencies. Additionally, the open architecture permits introduction of proprietary and third-party algorithms as needed over time." Lewis indicates that matching does occur "this event will trigger a string of ancillary operations. This will include checking to see if a limit has been crossed; if so the notification server electronically sends to user(s) or application(s), via the Message Bus, an electronic notification that alerts them to the fact that a limit has been exceeded. It will also trigger secondary calculations and updates for value-at-risk, profit/loss, and portfolio performance, and the like, delineated for each interested party, e.g., the customer, dealer, broker, investment manager, and/or counterparty. Similarly, the inventive system performs assessments of firm compliance (e.g., fund, customer, and regulatory), liquidity (i.e., collateral availability), and credit and country/market exposures. Based on the results of these assessments vs. stored thresholds, real-time alerts will be communicated by the notification server to firm managers and/or customers.

July 15 final Office Action, pages 17-18 (emphases original).

While Lewis may teach a plurality of algorithms, Lewis does not teach the algorithms recited in claim 1 for matching inquiry information describing securities desired for purchase (i.e., a description of securities desired for purchase) with purchase information describing available securities (i.e., a description of securities available for purchase). Nor does Lewis provide a plurality of matching algorithms for the user to select for that purpose, and then matching the inquiry with the inquired information by means of the user selected one algorithm. Thus, Lewis does not teach "each and every element as set forth" in claim 1, either expressly or inherently.

The final Office Action provides, "Lewis does show that a user can select one algorithm from a plurality of matching algorithms because the algorithms described by Lewis can be customized by the user, see column 15, in particular lines 21-23." July 15 final Office Action,

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page 18. Applicants disagree.

The language referred to by the Examiner shows that "[t]he business rules-driven architecture allows information to be customized for different individuals and institutions, such as those that subscribe to various products and services." Lewis, col. 15, lines 21-23. Lewis also teaches, "the library of business rules can be modified and expanded by the user..." Lewis, col. 15, lines 7-8. A user of the Lewis system, i.e., an individual or institution subscribing to a product or service of the Lewis system, can customize information of the Lewis system by modifying and expanding business rules in the library. However, Lewis does not teach that the user of the Lewis system can select one algorithm from a plurality of matching algorithms stored in the system and then match by means of the user selected one algorithm for any purpose, much less for matching the inquiry information of securities desired for purchase with the purchase information of securities available for purchase.

Furthermore, Lewis does not teach the step of "entering by a user into the computer inquiry information describing securities desired for purchase." The "inquiry information" of claim 1 is a description of securities sought for purchase. Lewis does not teach such a step.

The following statement in the final Office Action does not refute this.

[T]he applicant's attention is directed to column 6, lines 7-24. ("The Acquisition process involves recording data that identifies, cross-references, and describes the characteristics of various securities that are traded on world markets. This data is known as "indicative data". These data vary across the various types of financial instruments. For example, debt securities include characteristics such as interest payable and maturity date, while equities do not.") – see col. 16, lines 57-63

Also, Lewis discloses ("data is first acquired ("acquisition Process), and then translated to common format. This involves sorting and re-sequencing the incoming data transmissions from numerous data vendors, such as Bloomberg.RTM., Reuters.RTM., and the like, as well as collecting data from users that enter data into this client.") – see col. 17, lines 11-15.

July 15 final Office Action, page 19.

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While Lewis teaches a workstation that allows users to enter and modify business rules, Lewis does not teach a step where the user enters inquiry information describing securities desired for purchase. See Lewis, col. 6, lines 7-24. In the two places quoted by the Examiner, Lewis teaches to collect and record "indicative data" of various securities from different sources, including from users. However, it does not teach that a user enters "inquiry information describing securities desired for purchase," i.e., a description of securities that the user seeks to purchase. The mere teaching that data can be entered to an information system by a user is not enough for anticipation. The prior art must teach the step of "entering by a user into the computer inquiry information describing securities desired for purchase" as set forth in claim 1. See MPEP § 2131, p. 2100-73. Lewis has failed to do so.<sup>1</sup>

Claim 29 is a product claim directed to an apparatus for organizing security inquiries and potential security purchases. Claim 29 requires, in the relevant part:

a computer connected to:  
store inquiry information describing securities desired for purchase;  
... ..  
store a plurality of algorithms for matching the inquiry information with the purchase information;  
execute one of the algorithms selected by a user of the apparatus;  
match by means of the user selected one algorithm the inquiry information with the purchase information; and  
... ..

For reasons similar to those for claim 1, the computer system of Lewis fails to teach or suggest, either inherently or expressly, the several elements regarding inquiry information and

<sup>1</sup> Another step in claim 1 recites, “entering into the computer potential purchase information describing available securities.” This is a different step from the step of “entering by a user into the computer

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algorithms for matching as set forth in claim 29 as shown above. *See MPEP* § 2131, p. 2100-73.

Therefore, claim 29 is novel and patentable over Lewis just as claim 1.

Claims 2-28 depend from claim 1 and claims 30-56 depend from claim 29, either directly or indirectly. Therefore, claims 2-28 and 30-56 are also patentable over Lewis at least for the same reasons as stated above for claim 1.

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inquiry information describing securities desired for purchase." Lewis must teach both steps to anticipate claim 1 of the present application.

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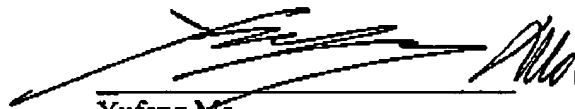
### Conclusion

In view of the above remarks, the Applicants respectfully request reconsideration and allowance of all the pending claims (1-56). A Notice of Allowance is respectfully solicited.

No fee is believed to be due, but the Commissioner is authorized to charge any additional fees or credit overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,  
**MCANDREWS, HELD & MALLOY, LTD.**

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